# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

COMPLAINT		
DOLGENCORP, LLC, d/b/a DOLLAR GENERAL Defendant.	: : :	Jury Demand
V.	:	Judge
LISA KAY BENSON, Plaintiff,	:	Case No

Comes the Plaintiff, Lisa Kay Benson, by and through Counsel, and sues the Defendant, Dolgencorp, LLC, (hereinafter referred to as Defendant or "Dollar General") and for her cause of action states:

#### I. Jurisdiction

- **1.** Jurisdiction in this case is invoked for violation of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621, et.seq.
- **2.** Plaintiff, Lisa K. Benson, is, and was at all times material herein, a citizen and resident of Franklin County, Tennessee.
- 3. Defendant, Dolgencorp, LLC, is a foreign corporation, registered to do business in the State of Tennessee. Dolgencorp, LLC, can be served through its Registered Agent for Service of Process: Corporation Service Company, 2908 Poston Ave., Nashville, Tennessee, 37203.
- **4**. Plaintiff is a female over the age of forty-five (45) and is entitled to have her right to gainful employment protected and untainted by discrimination based on her age.
- **5.** The acts complained of herein occurred primarily at Defendant's facilities in Franklin County, Tennessee where the Plaintiff was assigned as a result of her employment.

Paty, Rymer & Ulin, P.C.

Attorneys at Law 19 Patten Parkway Chattanooga, TN 37402 **II. General Allegations** 

**6.** Plaintiff, Lisa Kay Benson's date of birth is September 18, 1964.

7. Plaintiff was hired by Defendant, Dollar General in October of 2009, to work

as an associate at Defendant's facility located in Franklin County, Tennessee.

**8.** During her employment, Plaintiff performed her job duties acceptably within

the guidelines established by Defendant and received positive feedback from her superiors.

**9.** In July of 2011, Plaintiff was promoted to the position of General Manager of

the Defendant's store located in Franklin County, Tennessee.

10. In January of 2012, in an interview with Defendant's Management, Plaintiff

revealed that, because of business necessity, she sometimes consumed small snacks while

working and paid for the purchase afterwards. Because of the Defendant's low staffing,

Plaintiff often worked alone for extended periods, making this practice necessary for the

Plaintiff's health.

11. In the interview, Plaintiff informed Defendant's management that this practice

was necessary because of low staffing. Plaintiff also informed management that the other

managers at other stores also engaged in the practice.

12. Plaintiff was terminated on January 18, 2012. Other younger similarly situated

employees who had engaged in the practice were not terminated.

13. At the time of the Plaintiff's termination, other older employees were also

terminated for no cause. Defendant engaged in a pattern or practice of discrimination towards

older workers.

**14.** Plaintiff was replaced by a significantly younger employee.

**15.** Plaintiff was terminated based on her age.

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### III. Cause of Action

**16.** Plaintiff charges and alleges that because of the discrimination to which she was subjected, Defendant is guilty of violations of the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq*.

### IV. Damages

17. As a direct and proximate result of the acts and omissions of the Defendant, Plaintiff has suffered lost wages, emotional injury, mental pain and suffering, embarrassment, humiliation and general damages.

## V. Relief Sought Against Defendants

WHEREFORE, Plaintiff, Lisa Kay Benson, prays that proper process issue and be served upon the Defendants in this action in the manner prescribed by law; and

WHEREFORE, Plaintiff, Lisa Kay Benson, demands judgment against the Defendant for compensatory damages, punitive damages, plus reasonable attorney fees and all costs. Plaintiff demands a jury to try all issues, when joined.

RESPECTFULLY SUBMITTED:

PATY, RYMER & ULIN, P.C.

By:

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